

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JAMES A. PERSEO,

Plaintiff,

vs.

Civil No. 07-1021 JP/ RHS

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS MATTER comes before the Court on the Magistrate Judge's Report and Recommendation ("R & R"), filed January 20, 2010 [**Doc. No. 28**]. No objections to the R & R have been filed. The Court, having reviewed the same, will adopt the Magistrate Judge's findings and grant Plaintiff's motion to remand [**Doc. No. 22**].

WHEREFORE,

IT IS ORDERED that the findings of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion to Reverse or Remand Administrative Agency Decision [**Doc. No. 22**] is **granted** and this cause is **remanded** to the Commissioner for additional proceedings, to include a re-assessment of the medical opinion evidence.



UNITED STATES DISTRICT JUDGE